



March 9, 2021

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The Honorable Grindley Johnson
Secretary of Administration
Commonwealth of Virginia
via email

The Honorable Brian Moran
Secretary of Public Safety & Homeland Security
Commonwealth of Virginia
via email

Dear Secretary Johnson and Secretary Moran:

I am writing on behalf of the member cities, towns, and counties of the Virginia Municipal League to request an amendment to language in [Item 75#1c](#) of the budget conference report approved by the 2021 General Assembly. This item addresses a study of Commonwealth’s Attorneys workload and responsibilities to be conducted by the Compensation Board with assistance from the National Center for State Courts.

Specifically, VML requests that this budget item be amended to include references to the review and use of body-worn camera video by Commonwealth’s Attorney offices. This technology did not exist the last time that Commonwealth’s Attorney workloads were reviewed. It has become an important tool in their work and a component of criminal justice reform, but its use also adds to their workload. As you know, Virginia State Bar ethics rules require that attorneys, not paralegals, review and redact video footage. The workload for these offices will increase as more local law enforcement agencies deploy body-worn cameras and as state agencies and public universities adopt this technology.

We would suggest the following underlined language be added to the conference report language to ensure that body-worn camera video work is accounted for in the study:

Item 75#1c

Page 73, after line 41, insert:

“V.1. The Compensation Board shall work with the Virginia Association of Commonwealth’s Attorneys to examine the staffing standards used to determine and distribute funding and positions allocated to Commonwealth’s Attorney’s offices, including the use of diversion programs, specialty dockets, and other programs that incentivize best practices and improved outcomes as part of overall criminal justice reform efforts, including the use of body-worn camera video, rather than the current practice which relies solely on metrics related to felony charges and convictions. The examination shall identify funding needs to support staffing for statutorily prescribed duties while also identifying funding needs for participation in special programs, reviewing and redacting body-worn camera video, discretionary duties, and current local supplemental funds allocated. To assist in this goal, the Compensation Board shall contract with the National Center for State Courts to perform a time study as

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to the comprehensive duties and responsibilities of Commonwealth's Attorneys' offices including, but not limited to, "in-court" obligations, the use of diversion programs and specialty dockets, expungement/rights restoration volume as well as other obligations reflected in the Code of Virginia (e.g. duties prescribed under §15.2-1627, et seq). The Compensation Board shall develop a revised staffing standard for Commonwealth's Attorney's offices based on the results of the study that expands the current model focused on felony charges and convictions and accounts for the use of diversion programs, specialty dockets, and other programs, including the use of body-worn camera video. Included within this appropriation is \$250,000 in the second year from the general fund for the purpose of contracting with the Center to perform the study. All Commonwealth's Attorneys shall participate in the study as needed and identified by the Compensation Board and the National Center for State Courts.

Thank you for consideration of this request. Please email Janet Areson of the VML staff (jareson@vml.org) if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to be 'MG' with a long horizontal stroke extending to the right.

Michelle Gowdy
Executive Director

cc: Robyn DeSocio, Executive Secretary, Compensation Board